

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AARON CLAYTON,)	
)	
Plaintiff(s),)	
)	Case No. 2016 C 6882
vs.)	
)	Judge: Hon. Rebecca R. Pallmeyer
Richard Piek, Star # 13633; Jerry Crisp,)	
Star # 12580; Richard Bolton, Star # 5281;)	Magistrate Judge: Hon. Maria Valdez
Lafayette Triplett, Star # 18220; N.A.)	
Guswiler, Star #1655,)	
)	
Defendant(s))	

**DEFENDANTS' LOCAL RULE 56.1
STATEMENT OF UNDISPUTED MATERIAL FACTS¹**

Defendants, Richard Piek, Jerry Crisp, Richard Bolton, Lafayette Triplett Jr., and Nancy Guswiler, by and through one of their undersigned attorneys, Mark D. Winistorfer, Assistant Corporation Counsel of the City of Chicago, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1(a), submit this statement of material facts as to which there is no genuine dispute and which entitle Defendants to judgment as a matter of law. The pleadings, deposition transcripts, and exhibits cited to in this statement are attached hereto.

JURISDICTION & VENUE

1. Jurisdiction is proper as this action arises under the Constitution and laws of the United States, specifically the Civil Rights Act of 1871 (42 U.S.C. § 1983) to redress the alleged deprivations of Plaintiff's civil rights. *See* Plaintiff's Amended Complaint ("Pltf's Compl."), ECF No. 35, attached hereto as Exhibit A; *see also* Defendants' Joint Answer to Plaintiff's

¹ These facts are undisputed only for purposes of the Defendant's Motion for Summary Judgment. Defendant reserves the right to dispute these facts for all other purposes including trial.

Amended Complaint, Affirmative Defenses and Jury Demand (“Defs’ Ans.”), ECF No. 50, attached hereto as Exhibit B.

2. Venue is proper as the events or omissions giving rise to the alleged claims occurred within Northern District of Illinois. *See* Pltf’s Compl., Ex. A; Defs’ Ans., Ex. B.

3. In his Amended Complaint, Plaintiff seeks relief for false arrest, state law false imprisonment and, possibly, state malicious prosecution. *See* Pltf’s Compl., Ex. A; *see also* Order entered September 9, 2016 (“Sept. 9, 2016 Order”), ECF No. 13, attached hereto as Exhibit C.

PARTIES

4. At all times relevant to the events alleged, Plaintiff was and is a citizen of the United States within the jurisdiction of the Northern District of Illinois, and is currently incarcerated in the Shawnee Correctional Center in Vienna, Illinois. *See* Pltf’s Compl., Ex. A; Defs’ Ans., Ex. B.

5. At all times relevant to the events alleged, Defendant Officers Richard Piek, Star #13633; Jerry Crisp, Star# 12580; Richard Bolton, Star #5281; Lafayette Triplett, Star# 18220; and N.A. Guswiler, Star# 1655, who are herein collectively referred to as “The Defendants,” were employed by the City of Chicago Police Department and were acting under color of state law and as employees or agents of the City of Chicago. *See* Defs’ Ans., Ex. B.

PLAINTIFF’S ARREST WARRANT

6. On March 16, 2016, a Cook County Judge issued an arrest warrant for Plaintiff with case number 16 MC1 10604601. *See* Arrest Warrant (FCRL 000009), attached hereto as Exhibit D; *see also* Certified Statement of Conviction/Disposition for 16 MC1 110604601 (FCRL 000054-55) (“Cert. State. Disp.”), attached hereto as Exhibit E.

7. That arrest warrant was based on a felony criminal complaint for case number 16 MC1 10604601 signed by Officer Triplett. *See* Complaint for Preliminary Examination (FCRL 000010) (“Complaint”), attached hereto as Exhibit F.
8. Plaintiff does not allege that the arrest warrant was based on any false statements by Officers Bolton or Triplett. *See* Pltf’s Compl., Ex. A.
9. In the warrant, Judge Nicholas Ford found probable cause to detain Plaintiff and set Plaintiff’s bail amount. *See* Arrest Warrant, Ex. D; *see also* Cert. State. of Disp., Ex. E.
10. In the warrant, Judge Ford found probable cause to arrest Plaintiff based on an October 14, 2015 delivery of a controlled substance to Officer Bolton, who was acting undercover at that time. *See* Arrest Warrant, Ex. D; *see also* Cert. State. of Disp., Ex. E.
11. During that time, including on March 16, 2016 and March 17, 2016, Plaintiff was on home electronic monitoring for criminal case 16 CR 0302301, pending in the Circuit Court of Cook County, Criminal Division, before Judge Thomas Hennelly. *See* Certified Statement of Conviction/Disposition for 16 CR 0302301 (FCRL 000050-51) (“Cert. State. Convict.”), Ex. G; *see also* Transcript of Deposition of Plaintiff (“Pltf. Dep.”), a copy of which is attached hereto as Exhibit H, at 58:18-24, 108:14-16, 109:24-110:3.
12. That criminal case—16 CR 0302301—arose from Plaintiff’s January 28, 2016 arrest for Delivery of a Controlled Substance. *See* Cert. State. Convict., Ex. G; Pltf. Dep., Ex. H, at 108:10-16, 109:24-110:3; *see also* Certified Statement of Conviction/Disposition for 16 M1 10131501 (FCRL 000053) (“Cert. State. Disp.”), attached hereto as Exhibit I.
13. Early in the morning of March 17, 2016, Plaintiff was arrested by, among other officers, Officer Piek and Crisp. *See* Pltf. Dep., Ex. H, at 48:24-49:8; *see also* Arrest Report (FCRL 000001-6), attached hereto as Exhibit J.

14. On March 17, 2016, Plaintiff was arrested pursuant to the Arrest Warrant. *See* Pltf. Dep., Ex. H, at 48:24-49:8; 109:4-21; Ex. J.
15. Officer Guswiler approved probable cause for the arrest based on the existence of the Arrest Warrant. Ex. J.
16. Plaintiff has acknowledged this arrest warrant in his deposition. *See* Pltf. Dep., Ex. H, at 108:12-109:21.
17. Plaintiff now understands that he was arrested on March 17, 2016 pursuant to the arrest warrant. *See* Pltf. Dep., Ex. H, at 109:18-21.

PLAINTIFF'S PROSECUTION

18. Plaintiff was arraigned before Judge Maria Kuriakos-Ciesil on March 18, 2016. *See* Cert. State. of Disp., Ex. E; *see also* Transcript of Proceedings for March 18, 2016 in Case Number 16 MC1 106046 (FCRL 000201-205) ("3/18/2016 Trans."), attached hereto as Exhibit K.
19. During that hearing, Judge Kuriakos-Ciesil issued a \$30,000 I-Bond with electronic monitoring. *See* Cert. State. of Disp., Ex. E; 3/18/2016 Trans., Ex. K; *see also* Recognizance Bond with Electronic Monitoring for Plaintiff in 16 MC1 110604601 (FCRL 000011) ("Elec. Mon. Order"), attached hereto as Exhibit L.
20. Following his March 17, 2016 arrest, Plaintiff was in the custody of the Cook County Department of Corrections for a matter of days. *See* Pltf. Dep., Ex. H, at 110:24-111:6.
21. Plaintiff was released on electronic monitoring after his March 17, 2016 arrest. *See* Pltf. Dep., Ex. H, at 112:5-19; Elec. Mon. Order, Ex. L.

22. On March 31, 2016, an indictment for delivery of a controlled substance was filed against Plaintiff. *See* True Bill Indictment against Plaintiff filed March 31, 2016, Case No. 16 CR 4818 (FCRL 000015-16) (“Indictment”), attached hereto as Exhibit M.
23. The indictment arose from Plaintiff’s delivery of a controlled substance on October 14, 2015. Indictment, Ex. M.
24. During a hearing on April 6, 2016, the charges against Plaintiff were superseded by a direct indictment. *See* Cert. State. of Disp., Ex. E; *see also* Transcript of Proceedings for April 6, 2016 in Case Number 13 [sic] MC1 106046 (FCRL 000151-153) (“4/6/2016 Trans.”), attached hereto as Exhibit N.
25. Plaintiff’s criminal case was then transferred to the Criminal Division the next day. *See* Cert. State. of Disp., Ex. E; *see also* Certified Statement of Conviction/Disposition, for 16 CR 0481802 (FCRL 000052) (“Cert. State. Disp.”), attached hereto as Exhibit O.
26. Plaintiff’s case of 16 MC1 1106046 was joined to 16 CR 4818. *See* Cert. State. of Disp., Ex. E; Cert. State. Disp., Ex. O.
27. Plaintiff was designated as the 02 defendant making the criminal case number for his prosecution 16 CR 481802. *See* Cert. State. of Disp., Ex. E; Cert. State. Disp., Ex. O.
28. On April 7, 2016, 16 CR 4818, the case to which Plaintiff’s case of 16 MC1 1106046 was attached, was assigned to Judge Leroy K. Martin, Jr. *See* Cert. State. Disp., Ex. O.
29. Later, the case was assigned to Judge Hennelly. *See* Cert. State. Disp., Ex. O.
30. The case with number 16 CR 481802 against Plaintiff was dismissed *nolle prosequi* on April 26, 2016. *See* Pltf. Dep., Ex. H, at 112:20-23, 115:21-23, 116:14-16; Cert. State. Disp., Ex. O.

31. Plaintiff's other case 16 CR 0302301, for which he was arrested in January 2016, continued until Plaintiff changed his plea to "guilty" in a plea deal. *See* Cert. State. Convict., Ex. G; Pltf. Dep., Ex. H, at 118:5-10.
32. On July 27, 2016, Plaintiff was convicted for Delivery of a Controlled Substance and sentenced to 4 years in IDOC. *See* Cert. State. Convict., Ex. G.
33. None of the Defendant Officers testified in the criminal proceedings. *See* Pltf. Dep., Ex. H, at 116:3-9.

Dated: **August 28, 2017**

Respectfully submitted,

By: /s/ Mark D. Winistorfer

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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be e-filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Defendants' **LOCAL RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS** which sends a true and correct copy to all parties of record, including:

Aaron Clayton
B-11744
Shawnee-SHW
6665 State Route 146 East
Vienna, IL 62995

on this 28th day of August, 2017. A copy of this answer will also be sent to the individual listed above via regular U.S. Mail, postage prepaid, on the 29th day of August, 2017.

Respectfully submitted,

/s/ Mark D. Winistorfer
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